IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.9800 OF 2004

Yashwant Dinkar Dharme ...Petitioner

Vs.

The Chairman,
Krishna Sah.Sakhar Karkhana
and Ors. ...Respondents

....

Mr.V.Y.Jadhav for Petitioner
Mr.K.S.Bapat for Respondent no.2.
Mr.D.A.Patil AGP for Respondent no.5.

....

CORAM : B.H.MARLAPALLE,J.

DATE : JANUARY 25,2005

P.C.:

1. Heard Mr.Jadhav, the learned counsel for the petitioner who had approached the Labour Court in complaint (ULP) No. 4 of 2004. He had alleged that he was orally terminated and the said termination was without compliance of the mandatory requirements of Section 25-F of the Industrial Disputes Act. He had also claimed that he was a permanent employee of the respondent-Karkhana. The Labour Court considered the evidence lead by the respective parties and held in its judgment dated 6.2.2003 that the allegations of unfair labour practice under Item No.I of Rule IV of MRTU and PULP Act, 1971 on the part of respondent, were not proved. The view taken by the Labour Court

has been confirmed by the Industrial Court in Revision Application No. 4 of 2004 decided on 29.9.2004.

2. Both the parties had lead evidence before the Labour Court. The letters of appointment and seniority list etc. were produced by the Karkhana before the Labour Court. The petitioner in his cross-examination admitted that he was neither permanent employee nor permanent seasonal employee as per the order issued by Karkhana at any time. On the contrary, the record produced by the employer showed that the petitioner was employed as and when there was increase in work and this intermittant employment was certainly as a Badli worker for a specific period. There was nothing placed before the Labour Court to show that he had completed a service of 240 days during the period of preceding 12 months with reference to the alleged date of oral termination.

3. The Industrial Court while deciding the Revision Application on perusing the record of the Labour Court, noted that the appreciation of evidence made by the Labour Court did not suffer from any errors. The fixed tenure of employment ceased to continue after the tenure was over and there was no evidence to show that the mandatory requirements of Section 25-F of the I.D. Act were required to be followed.

The concurrent view taken by both the Courts below does not suffer from any errors. No interference is called for under Article 227 of the Constitution of India and hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]